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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/602,637

06/25/2003

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396.42795X00

1073

20457 7590 03/23/2009
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EXAMINER

PATTERSON, MARC A

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

03/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ADVISORY ACTION

Applicant's arguments filed March 10, 2009 have been fully considered but have not been found to be persuasive.

1. Applicant argues, on page 5 of the remarks dated March 10, 2009, that the attached declaration utilizes the curing agent taught by Tashiro et al, prepared according to Example 1 of Tashiro et al, and that the claimed barrier properties are not obtained.

However, as stated on page 2 of the previous Action, the declaration does not compare the claimed invention to the closest prior art, because Tashiro et al is not limited to Example 1; furthermore, Tashiro et al disclose a reaction product of metaxylylenediamine and acrylic acid derivative, as claimed.

Applicant also argues, on page 5, that unexpectedly better results are obtained using the claimed epoxy and curing agent.

However, on page 2 of the previous Action, the combination of Gerdes et al, Tashiro et al and Huang et al discloses the skeletal structure, as the claimed epoxy and curing agent are disclosed.

Applicant also argues, on page 6, that the selection of Epikote 828 is appropriate in connection with the closest prior art, because Epikote 828 is used in the examples of Tashiro et al and Gerdes et al.

However, the making of Tashiro et al and Gerdes et al is not limited to the examples; furthermore, the closest prior art also includes Huang et al; the use of a resin, for the reason that it is used in the examples of Tashiro et al and Gerdes et al, therefore is not a comparison to the closest prior art.

Applicant also argues, on page 7, that the curing agent taught by Tashiro et al is outside the scope of the present claims, as set forth in the declaration.

However, because Tashiro et al teach a curing agent comprising a reaction product of metaxylylenediamine and acrylic acid derivative, it is within the scope of the present claims.

Applicant also argues, on page 7, that Applicant need not compare the present invention with each and every embodiment within the scope of the prior art or a combination of references.

However, the previous Action does not assert that Applicant need not compare the present invention with each and every embodiment within the scope of the prior art, or a combination of references; the previous Action only asserts that in view of at least one such embodiment, the claimed structure would have been obvious to one of ordinary skill in the art, and that Applicant not has provided evidence to show that the embodiment lacks the claimed properties.

Applicant also argues, on page 8, that the unexpected gasoline permeability disclosed in the specification was ignored in the previous Action.

However, as stated above, the combination of Gerdes et al, Tashiro et al and Huang et al discloses the skeletal structure, and therefore the gasoline permeability, as the claimed epoxy and curing agent are disclosed.

Applicant also argues, on page 10, that the limitations of the claimed invention are not disclosed.

However, Applicant does not state why the limitations of the claimed invention are not disclosed.

Applicant argues, on page 13, that Gerdes et al requires an amine - based curing agent, rather than the claimed curing agent.

However, as stated on page 6 of the previous Action, the claimed curing agent is taught by Tashiro et al; furthermore, Tashiro et al teaches that the curing agent is an amine based curing agent, because the curing agent has an amine number (column 3, line 52).

Applicant also argues on page 14 that Gerdes et al does not disclose the claimed skeletal structure.

However, as stated on page 6 of the previous Action, the combination of Gerdes et al, Tashiro et al and Huang et al discloses the skeletal structure, as the claimed epoxy and curing agent are disclosed.

Applicant also argues, on page 18, that Tashiro et al and Huang et al are silent as to fuel barrier properties.

However, as stated on page 7 of the previous Action, Gerdes et al disclose fuel barrier properties, and it would have been obvious for one of ordinary skill in the art to have provided for the epoxy and curing agent of Tashiro et al and Huang et al in Gerdes et al.

Applicant also argues, on page 19, that Tashiro et al do not disclose glycidylamine of xylylenediamine.

However, as stated on page 7 of the previous Action, glycidylamine of xylylenediamine is taught by Tashiro et al.

Applicant also argues, on page 19, that Tashiro et al and Huang et al are not directed to fuel barrier properties, and that there is no motivation to combine Gerdes et al, Tashiro et al and Huang et al.

However, fuel barrier properties are disclosed by Gerdes et al; furthermore, as stated on page 3 of the previous Action, it would have been obvious for one of ordinary skill in the art to have provided for the epoxy resin of Huang et al and curing agent of Tashiro et al in Gerdes et al depending on the desired properties following curing

Applicant also argues, on page 20, that bits and pieces have been selected, ignoring the epoxy in Tashiro et al and curing agent in Huang et al.

However, Tashiro et al is not limited to one epoxy, or Huang et al to one curing agent. Applicant also remarks, on page 8, that it was stated in an interview that any reference to Tashiro et al as disclosing glycidylamine was made in error.

Applicant also argues, on page 22, that Gerdes et al does not disclose the claimed skeletal structure in the claimed amount.

However, as stated on page 6 of the previous Action, the combination of Gerdes et al, Tashiro et al and Huang et al discloses the skeletal structure, in the claimed amount, as the claimed epoxy and curing agent are disclosed.

Applicant also argues, on page 23, that Watanabe et al do not teach a fuel system.

However, as stated above, a fuel system is disclosed by Gerdes et al.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497. The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Marc A Patterson/
Primary Examiner, Art Unit 1794